

# Owens Valley Indian Water Commission

46 TuSu Lane, Bishop, CA 93514 760-873-3300 873-3320 FAX

## MEMORANDUM

TO: Paul Dabbs, Statewide Planning Branch  
California Department of Water Resources  
PO Box 942836  
Sacramento, CA 94236-0001  
[pdabbs@water.ca.gov](mailto:pdabbs@water.ca.gov)

FROM: Teri Cawelti, Executive Director and Advisory Committee Member Alternate  
[teri@oviwc.com](mailto:teri@oviwc.com)  
Rachel A. Joseph, Advisory Committee Member

DATE: February 19, 2004

RE: California Water Plan Update 2003 – Comments

The following are my comments concerning the latest draft of the California Water Plan Update 2003 (Volume 1). Thank you for your consideration of these comments.

1. Findings and Recommended Actions & Chapter 1, Page 2 Key Findings 4

“This Water Plan Update features an Implementation and Investment Guide with 25 different resource management strategies that will provide local, regional and statewide planners a diverse set of investment choices for both the near term.....” should read, “This Water Plan Update features an Implementation and Investment Guide with 25 different resource management strategies that will provide local, regional, tribal and statewide planners a diverse set of investment choices for both the near term.....”.

2. Findings and Recommended Actions & Chapter 1, Page 2 Key Findings 4 e.

“While it will be necessary for water users to pay a significant portion of these costs through their local agencies and local government, State and federal funds should be invested to provide incentives to local agencies to implement balanced integrated regional plans, underwrite research and development of promising technologies....” should read, “While it will be necessary for water users to pay a significant portion of these costs through their local agencies and local government, State and federal funds should be invested to provide incentives to local agencies and Tribes to implement balanced integrated regional plans, underwrite research and development of promising technologies....”.

3. Findings and Recommended Actions & Chapter 1, Page 3 Additional Findings 5

“Many Native Americans have unmet water needs. In the North Coast region thousands of Native Americans do not have water piped to their homes. A large part of the tribal water needs are for instream flows and other water bodies that support environmental and cultural practices for fishing, hunting, and trapping” should read, “Many Native Americans have unmet water needs. One example is, in the North Coast region thousands of Native Americans do not have water piped to their homes. A large part of the tribal water needs are for instream flows and other water bodies that support environmental and cultural practices for fishing, hunting, and trapping as well as agricultural uses”.

4. Findings and Recommended Actions & Chapter 1, Page 5 Additional Recommended Actions 4

“DWR, in cooperation with other local, State and federal entities, implements the work plan to improve the data and analytical tools for subsequent phases and updates of the Water Plan and regional planning efforts” should read, “DWR, in cooperation with other local, tribal, State and federal entities, implements the work plan to improve the data and analytical tools for subsequent phases and updates of the Water Plan and regional planning efforts”.

5. Chapter 2, Section 2.1, California – An Overview, Page 2, First Paragraph

“Prior to the discovery of gold in California in 1848, California was home to about 60,000 Native Americans” should read, “Prior to the discovery of gold in California in 1848, California was home to about a quarter of a million Native Americans”. The 60,000 figure underestimates the Native Americans living in California prior to 1848 (Sources: Sharon Johnston, [The Genocide of Native Americans: A Sociological View](#), 1996; Advisory Council California Indian Policy).

6. Chapter 2, Section 2.1, Page 2, First Paragraph

“Native residents and inhabitants....used relatively small amounts of water” should be changed to read “Native residents and inhabitants....used a moderate amount of water”. Because the Native Americans in the Owens Valley had extensive irrigation systems in place prior to 1848 and used a substantial amount of water.

7. Chapter 2, Section 2.4.1.5 – Tribal Water Rights, Page 4, First Paragraph

“Indian Reservations and other federal lands have reserved water rights implied from acts of the federal government, rather than state law” should be changed to read, “Indian Reservations and other federal lands have reserved water rights implied from acts of the federal government, state law and judicial court decisions (including U.S. Supreme Court)”. Because many reservations have state appropriated water rights. The next sentence that reads, “Since reserved tribal water rights were generally not created by state law, states’ water allocations did not account for tribal resources” should be changed to read, “Historically, states’ water allocations did not account for tribal resources”.

8. California Water Today, Chapter 2, Page 7, Section 2.3 Roles in water management

“California has a very large and complex water system, with a highly decentralized system of governance involving state and federal agencies, thousands of local governments....” should read, “California has a very large and complex water system, with a highly decentralized system of governance involving state, tribal and federal agencies, thousands of local governments....”.

9. California Water Today, Chapter 2, Page 13, Tribal Water Rights

“Some Indian reservations and other federal lands have reserved water rights implied from acts of the federal government, rather than state law” should read, “Some Indian reservations and other federal lands have reserved water rights implied from acts of the federal government, certain state laws and judicial court decisions (including U.S. Supreme Court)”. Because many tribes do have state appropriated, riparian and other state water rights. “When tribal lands were reserved, their natural resources were implicitly reserved for tribal use. Since reserved tribal rights were generally not created by state law, states’ water allocations did not account for tribal resources” should read, “When tribal lands were reserved, their natural resources were implicitly reserved for tribal use. Historically, states’ water allocations did not account for tribal resources”.

10. California Water Today, Chapter 2, Page 14, Tribal Water Rights, First Paragraph

“Quantifying water needs in terms of agricultural potential does not accurately show the many other needs for water. Even urban water quantity and quality assessments that look at the adequacy of the domestic water supply and sanitation do not provide a complete picture of tribal water needs. A large part of the tribal water needs are for instream flows and other water bodies that support environmental and cultural needs for fishing, hunting, and trapping” should read, “Quantifying water needs in terms of agricultural potential does not accurately show the many other needs for water. Even urban water

quantity and quality assessments that look at the adequacy of the domestic water supply and sanitation do not provide a complete picture of tribal water needs. A large part of the tribal water needs are for instream flows and other water bodies that support environmental and cultural needs for fishing, hunting, and trapping as well as agricultural uses".

11. State Role and Responsibilities, Chapter 5, Page 8, Recommended Actions for Strengthening the State Role 12

"DWR, in cooperation with other local, State and federal entities, implements the proposed work plan to improve the data and analytical tools (described in Chapter 3) for subsequent phases and updates of the Water Plan and regional planning efforts" should read, "DWR, in cooperation with other tribal, local, State and federal entities, implements the proposed work plan to improve the data and analytical tools (described in Chapter 3) for subsequent phases and updates of the Water Plan and regional planning efforts."

12. Principles for Assistance, Chapter 6, Page 1

"The State should encourage and provide technical, financial and administrative assistance to inclusive, collaborative and regionally and watershed-based resource planning efforts. It should encourage and provide incentives to local and regional agencies and governments to develop diverse and balanced resource management portfolios and plans, implement multi-objective projects, and maximize their regional self sufficiency" should read, "The State should encourage and provide technical, financial and administrative assistance to inclusive, collaborative and regionally and watershed-based resource planning efforts. It should encourage and provide incentives to tribes, local and regional agencies and governments to develop diverse and balanced resource management portfolios and plans, implement multi-objective projects, and maximize their regional self sufficiency".

13. Principles for Assistance, Chapter 6, Page 1

"Because the demand for State assistance exceeds resources and funding, the following nine principles can serve as criteria for competitively scoring proposals from local water agencies and governments applying for State grants and loans:" should read, "Because the demand for State assistance exceeds resources and funding, the following nine principles can serve as criteria for competitively scoring proposals from tribes, local water agencies and governments applying for State grants and loans:". Tribes may be excluded from funding and other resources if not specifically mentioned.

14. Principles for Assistance, Chapter 6, Page 3, Item 8

"The State should give preference for providing assistance and funding to regional and local water planning initiatives that would promote and improve communication, coordination, cooperation, and collaboration among local agencies and governments within a region involved in water..." should read "The State should give preference for providing assistance and funding to regional and local water planning initiatives that would promote and improve communication, coordination, cooperation, and collaboration among tribes, local agencies and governments within a region involved in water..."

15. Principles for Assistance, Chapter 6, Page 3, Item 9

Add "Tribal set-aside funding for regional water projects that include monitoring, data management and project implementation should be included as a funding priority." This is important because many tribes are just developing their water management capabilities and this puts them at a disadvantage when competing with agencies and governments for funding and other resources.